



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of July 22, 2009

Agenda Item 1. CALL TO ORDER, ROLL CALL. The meeting was called to order by Chairman John A. Gale at 9:00 A.M. on July 22, 2009, in Room 1507 of the State Capitol, Lincoln, Nebraska.

A Roll Call was taken. The following Board members were present:

John A. Gale, Secretary of State, State Records Administrator and Chairman;
Leslie S. Donley, representing the Attorney General;
Brenda Decker, representing the Governor;
Michael D. Foley, Auditor of Public Accounts
Trent Fellers, representing the State Treasurer;
Carlos Castillo, Director of Administrative Services;
Thomas D. Freimuth, representing the Legal Profession;
Julie A. Beno, representing Libraries;
Michael P. Edgcombe, representing the Media

Absent:

Ryne D. Seaman, representing the Banking Industry;
John P. Curry, representing the Insurance Industry;
Timothy L. Loewenstein, Representing the General Public

Staff in attendance:

Cathy Danahy, Executive Director;
Tracy Marshall, Recording Clerk;
Ron Moravec, Legal Counsel

Agenda Item 2. ANNOUNCEMENT OF NEBRASKA OPEN MEETINGS ACT. Chairman Gale announced that in accordance with the Nebraska Open Meetings Act, at today's meeting of the Nebraska State Records Board, a copy of its Agenda and all reproducible written material to be discussed at the open meeting portion of this agenda will be made available for examination and copying by members of the public at the time of discussion. The materials will be located on the table to the right of the public seating area. A current copy of the Nebraska Open Meetings Act is available for examination and is posted by the table to the right of the public seating area.

Agenda Item 3. NOTICE OF HEARING. Chairman Gale announced public notice of the meeting was given by posting notice in the Lincoln Journal Star newspaper on June 23, 2009 and on the state's website public meeting calendar. A copy of the Notice and Affidavit of Publication by the printer is included in the Board records. A current copy of the agenda has been kept in the Secretary of State's office.

Agenda Item 4. ADOPTION OF AGENDA. Ms. Beno moved to adopt the agenda as presented; motion seconded by Mr. Freimuth.

Voting For:	Beno Edgecombe	Castillo Foley	Decker Freimuth	Donley Gale	Fellers
Voting Against:	None				
Absent:	Curry	Loewenstein	Seaman		

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. Ms. Donley moved to approve the May 27, 2009 meeting minutes as presented; motion seconded by Mr. Freimuth. Ms. Decker requested some corrections. On page 3, Agenda Item 7.b.1. she pointed out 'Nebraska' was misspelled in two places. Ms. Decker also pointed to the votes recorded for Agenda Item 9 on page 10, Agenda Item 10 on page 11 and Agenda Item 12.b on page 12 show Ms. Decker voting when she was not present at the meeting; Ms. Scofield was in attendance representing the Governor. She requested the misspellings be corrected and her name be deleted from those votes. Chairman Gale said the vote will be taken on the minutes to be approved as amended.

Voting For:	Beno Edgecombe	Castillo Freimuth	Decker Gale	Donley Fellers
Voting Against:	None			
Abstaining:	Foley			
Absent:	Curry	Loewenstein	Seaman	

The motion carried.

Agenda Item 6. PUBLIC COMMENT. Chairman Gale asked the members of the audience if anyone wished to come forward to provide public comment on any of the agenda items. No audience member indicated a desire to provide public comment.

Agenda Item 7. RFP EVALUATION SUBCOMMITTEE REPORT ON NETWORK MANAGER CONTRACT (CLOSED SESSION). At 9:13 A.M., Ms. Donley moved that the Nebraska State Records Board go into closed session for the purpose of receiving legal advice regarding the response to the request for proposal for a Network Manager to manage the Nebraska.gov Network and for the protection of the public interest; motion seconded by Ms. Decker.

Voting For:	Beno Edgecombe	Castillo Foley	Decker Freimuth	Donley Gale	Fellers
Voting Against:	None				
Absent:	Curry	Loewenstein	Seaman		

The motion carried.

Noting the motion passes, Chairman Gale moved the Board into closed session at 9:14 A.M. for the purpose of discussion of contract negotiations and possible award of a contract on RFP 2784z1 for Nebraska.gov network manager.

Chairman Gale declared a ten minute break in Closed Session at 10:08 A.M.

At 10:22 A.M., outside of the Closed Session, Ms. Donley moved that the Nebraska State Records Board adjourn from this closed session regarding the response to the request for proposal for a Network Manager to manage the Nebraska.gov Network and return to the public meeting portion of the State Records Board; motion seconded by Ms. Decker.

Voting For:	Beno	Castillo	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Fellers
Voting Against:	None				
Absent:	Curry	Loewenstein	Seaman		

The motion carried.

Chairman Gale reconvened the State Records Board in open session at 10:24 A.M.

Agenda Item 8. DETERMINATION OF CONTRACT AWARD ON RFP 2784z1 FOR NEBRASKA.GOV NETWORK MANAGER.

Mr. Freimuth distributed a copy of a motion. Mr. Freimuth made the following motion: I move that the Nebraska State Records Board approve the proposed negotiated contract between the Nebraska State Records Board and Nebraska Interactive, Inc. for operation of the Nebraska.Gov website portal commencing on February 1, 2010, conditioned upon the following; 1. Nebraska Interactive, Inc. providing a revised disaster recovery plan which assures the Nebraska State Records Board that on or before April 1, 2010, its facility in Allen, Texas will be a disaster recovery system capable of instant recovery of services; 2. Nebraska Interactive, Inc. providing a written form of escrow agreement to be attached to the contract that meets all escrow conditions of the contract and, which shall be approved by the escrow agent, Nebraska Interactive, Inc. and the Nebraska State Records Board, before signing; 3. The revised disaster recovery plan and escrow agreement being submitted to the Boards' Executive Director and its General Counsel on or before September 1, 2009 for review and recommendation to a Board meeting in September of 2009.

Chairman Gale pointed out the distributed motion reads somewhat different than the stated motion. Mr. Freimuth made the motion that the written motion just distributed to the Board members be the motion made. It reads:

"I move that the Nebraska State Records Board approve the proposed negotiated contract between the Nebraska State Records Board and Nebraska Interactive, Inc. for operation of the Nebraska.Gov website portal commencing on February 1, 2010, and authorize the Chair to sign the contract, conditioned upon:

1. Nebraska Interactive, Inc. shall provide a revised disaster recovery plan which assures the Nebraska State Records Board that on or before April 1, 2010, its facility in Allen, Texas will be upgraded to a disaster recovery system capable of immediate recovery of services/business continuity for NII.
2. Nebraska Interactive, Inc. shall provide a written form of escrow agreement to be attached to the contract that meets all escrow conditions of the contract and, which shall be approved by the escrow agent, Nebraska Interactive, Inc. and the Nebraska State Records Board, before signing by the parties.
3. The revised disaster recovery plan and escrow agreement shall be submitted to the Boards' Executive Director and its General Counsel on or before September 1, 2009 for review and recommendation to the Board meeting in September 2009"; motion seconded by Mr. Edgecombe.

Voting For:	Beno	Castillo	Decker	Donley	
	Edgecombe	Freimuth	Gale	Fellers	
Voting Against:	Foley				

Absent: Curry Loewenstein Seaman

The motion carried.

Chairman Gale thanked all those who were involved in assisting with the RFP.

Mr. Foley motioned to direct the staff of the Records Board to acquire the software source code documentation pursuant to the terms of the current contract upon expiration of that contract; motion seconded by Mr. Castillo. Mr. Moravec informed the Chair that the proposed motion would not be appropriate at this meeting since the specific reason for this meeting was to discuss the upcoming contract. He indicated this would be another matter for the September, 2009 meeting. Chairman Gale said he would accept the motion, indicating that the Board needs to move ahead with the process and the Board could reconfirm the motion in September.

Voting For: Beno Castillo Decker Edgecombe Foley
Freimuth Gale Fellers

Voting Against: Donley

Absent: Curry Loewenstein Seaman

The motion carried.

Chairman Gale said the staff will proceed with contacting Mr. Brent Hoffman of Nebraska Interactive, Inc. about the escrow agreement and disaster recovery issues and will bring back to the Board in September for approval. He also directed the staff to proceed with contacting Mr. Hoffman about the software source code request and report back to the Board in September.

Agenda Item 9. DATE FOR NEXT MEETING. Chairman Gale announced the date of the next Records Board meeting will be Tuesday, September 15, 2009 in Room 1507, State Capitol, Lincoln, Nebraska.

Chairman Gale announced both Tom Freimuth and Tim Loewenstein have been reappointed by the Governor for a second term on the State Records Board. He also thanked and acknowledged Mr. Greg Lemon, private Contractor, Laura Petersen, DAS/Risk Management and Mr. Keith Dey, Department of Motor Vehicles for their valuable assistance in the RFP process.

Agenda Item 10. ADJOURNMENT. Ms. Decker moved to adjourn the meeting.

All members signified by saying "aye". Chairman Gale declared the meeting adjourned at 10:58 A.M.



John A. Gale
Secretary of State
State Records Administrator
Chairman, State Records Board